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C O N F I D E N T I A L BAGHDAD 000261

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TAGS: PGOV PREF I2

SUBJECT: RATIFICATION OF MILITARY SERVICE AND RETIREMENT LAW

REF: 09 BAGHDAD 3125

Classified By: Political Counselor Yuri Kim for reasons 1.4(b) and (d).

¶11. (C) The Military Service and Retirement law (MSRL), a potentially positive step towards national reconciliation, is on track for implementation after being ratified by the Presidency Council. After lingering in parliament for more than two years, the law -- covering the current military and providing pensions and "martyr's benefits" to thousands of soldiers and their families who served under the previous regime -- had been passed in early November 2009, only to be vetoed by Vice President Tariq al-Hashimi(reftel). Hashimi had objected that the MSRL did not sufficiently guarantee the secular nature and professionalism of the army in that Article 99 of the legislation stated the armed forces should take no action contrary to Islamic law. He also believed the bill did not adequately compensate military personnel who had served in the Iraqi army prior to 2003.

¶12. (C) After originally voting to reject Hashimi's recommended amendments, the parliament eventually decided to modify the law in order to prevent another veto. On January 11, the parliament passed the MSRL again with three of the ten changes advocated by Hashimi. A January 13 press statement from Hashimi's office noted the VP's continued reservations about the law, but said he had agreed to ratify it with no further changes in the interest of getting pension payments started as soon as possible.

¶13. (C) Haifa al-Azzawi, a staffer in the parliament's Security and Defense Committee and the principal drafter of the MSRL, told us on January 25 that the final text of the law was amended to address Hashimi's objections about compensation, but did not alter the Article 99 prohibition against army orders that contravene Islam. (Note: According to contacts, a procedural compromise may have been struck on this issue whereby the Ministry of Defense and the specific branches of the military could modify Article 99 through their internal regulations and standards. End Note.) Azzawi estimated that approximately USD 2.5-3.0 billion would be required to fund the law's provisions. (Septel to follow on MOD/MOI 2010 budget.) She was sanguine that the GOI could assume the resulting financial burden given projected increases in the country's oil revenues.

¶14. (C) COMMENT: The period of inaction on the MSRL had been interpreted as a sign by many Sunnis that the GOI was insincere about national reconciliation. While some ex-military members will likely continue to grumble about the law and its perceived inadequate compensation levels (reftel), its implementation is nonetheless a positive step forward in addressing sectarian divisions in Iraq. END COMMENT.

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